



Board of Zoning Appeals

601 Lakeside Avenue, Room 516

Cleveland, Ohio 44114-1071

[Http://planning.city.cleveland.oh.us/bza/cpc.html](http://planning.city.cleveland.oh.us/bza/cpc.html)

216.664.2580

OCTOBER 28, 2019

9:30

Calendar No. 19-217: 7901 Neville Ave./Division of Ward 14
the Environment Violation Jasmine Santana
Notice Appeal

Neil T. Clough, owner, appeals under the authority of Section 76-6(b) of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from the decision of the City of Cleveland Department of Health and the Division of the Environment to issue a Violation Notice on August 20, 2019 for failure to comply with section 211.02(a) of the Cleveland Codified Ordinances which states that all building materials, lumber, boxes, machinery, containers, raw material, junk and any other substance which may provide harborage for insects or rodents shall be kept, stored or handled in a manner acceptable to the Commissioner of Environmental Health (Filed August 30, 2019).

POSTPONED FROM SEPTEMBER 16, 2019

9:30

Calendar No. 19-199: 13900 Miles Avenue Ward 1
Joseph T. Jones
21 Notices

Nat Services Inc. (AKA Gusto International Ltd.), owner, proposes to demolish part of the building and leave a slab for storage of used salvaged materials in a C1 Semi-Industry District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 345.03(c)(33) which states that storage of used or salvaged materials is not permitted in a Semi-Industry District.
2. Section 349.04 (j) which states that 10% of the gross floor area is required for parking and no parking is shown.
3. Section 349.07(a) which states that accessory off-street parking spaces, driveways and vehicle maneuvering areas shall be properly graded for drainage so that all water is drained within the lot providing such parking spaces and surfaced with concrete, asphalt, or other acceptable paving material maintained in good condition. No drainage or specific paving detail shown. Driveway aprons must also be shown on plan.
1. Section 341.02 City Planning Commission approval is required as it is in a Design Review District (Filed August 8, 2019-No Testimony) POSPTONEMENT MADE AT THE REQUEST OF THE CITY PLANNING COMMISSION FRO FURTHER REVIW.

REINSTATED FROM OCTOBER 14

9:30

Calendar No. 19-222:

3509 Denison Ave.

Ward 12

Anthony Brancatelli

12 Notices

David Klypchak, owner, proposes to erect 147.5 linear feet of six foot high wooden fence and 17 linear feet of 6 foot high gate in a C1 Multi-Family Residential. The owner appeals for relief from the strict application of Section 358.04(a) of Cleveland Codified Ordinances which states that in the actual side street yard a fence shall not exceed four feet in height and shall be at least fifty percent open. (Filed September 9, 2019-No Testimony) *THIS CASE WAS DISMISSED DUE TO A CLERICAL ERROR.*

POSTPONED FROM SEPTEMBER 9, 2019

9:30

Calendar No. 19-120:

**Appeal of
Franklin Townhomes L.P.
from the decision of the City
Planning Commission**

Ward 3

Kerry McCormack

Franklin Townhomes, L.P., appeals under the authority of Section 76-6(b) of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from the decision of the City of Cleveland Planning Commission rendered on May 3, 2019 to deny use as a townhome in a B1 Two-Family Residential District at 3210 Franklin Boulevard. (Filed May 30, 2019- No Testimony) *FIRST POSTPONEMENT MADE AT THE REQUEST OF THE APPELLANT DUE TO A SCHEDULING CONFLICT.*

**THE FOLLOWING CASE HAS BEEN POSTPONED TO NOVEMBER 25, 2019 DUE TO A
CHANGE IN THE SITE PLAN:**

9:30

Calendar No. 19-209:

17403 Dorchester Blvd.

Ward 8

Michael D. Polensek

38 Notices

Vince & Suzanne DeGeorge, owners, propose to erect a 74' x 34' two story frame single family residence with attached 2 bay garage and rear balcony in an A1 One-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 357.06 which states that whenever the plat of a land subdivision approved by the Planning Commission and on record in the office of the County Recorder shows a setback building line along any frontage for the purpose of creating a front yard or side street yard line, the building line thus shown shall apply along such frontage in place of any other yard line specified in this chapter unless specific building lines shown on the Building Zone Map require a greater setback. In this case a 40 foot setback is required per City approved Plats.

2. Section 341.02 which states that approval of Cleveland City Planning Department is required.
3. Note: it has been determined that in 1990 a prior owner of the subject property made a request for variances similar in this case in Calendar Number 90-27 and the appeal was denied by the Board. Pursuant to Rule XIII of the Rules and Regulations of the Board of Zoning Appeals this appeal may be considered a “refiling”, which must be dismissed unless the appellant can present evidence to justify the denial of the application of *res judicata*, including substantially changed circumstances, substantial new relevant evidence that was not available at the hearing on the prior appeal, or that the application of *res judicata* would create manifest injustice. (Filed August 26, 2019-No Testimony). *FIRST POSTPONEMENT MADE AT THE REQUEST OF THE APPELLANT'S ATTORNEY DUE TO A SCHEDULING CONFLICT.*